

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

LUIS A. VAZQUEZ,

Plaintiff,

-v.-

**9:06-CV-1043
(TJM)(RFT)**

**SGT. MURRAY, SERGEANT VAUGHN,
HENDRICK, MICHAEL, JANE/JOHN DOE,
BEEBE, HAMMEL, McQUIRE, BURNELL,
WILSON, MAYO, PORTIER, FRANSICO,
#3 JOHN DOE, JOHN DOE 2, JOHN DOE,**

Defendants.

APPEARANCES:

LUIS A. VAZQUEZ

Plaintiff, *pro se*

97-A-3359

Auburn Correctional Facility

P.O. Box 618

Auburn, NY 13021

THOMAS J. McAVOY, SENIOR DISTRICT JUDGE

DECISION and ORDER

Presently before the Court is an amended complaint and renewed application to proceed *in forma pauperis* filed by Plaintiff Luis A. Vazquez. Dkt. No. 6. The amended complaint and application to proceed *in forma pauperis* were submitted in compliance with the Decision and Order of this Court issued on January 16, 2007 (“January Order”).¹ Dkt. No. 5. For the reasons discussed below, the Court finds that the amended complaint fails to state a claim against the Defendants upon

¹ As noted in the January Order, Plaintiff has filed numerous actions in this District. *See* Dkt. No. 5 at 1, n.1.

which relief may be granted and, therefore, dismisses this action.

The January Order advised Plaintiff that his original complaint failed to satisfy Rule 8 of the Federal Rules of Civil Procedure because it did not give fair notice to the Defendants of Plaintiff's claims and did not allow the Defendants the opportunity to prepare an adequate defense. *Id.* at 3. Plaintiff was advised that he must set forth more than mere allegations when stating a claim involving conspiracy. *Id.* The January Order also noted that Plaintiff listed sixteen Defendants in the caption of his original complaint, but did not name any of the Defendants in the body of his complaint. *Id.* at 4. Plaintiff was instructed by the Court to clearly set forth the facts in support of his claims, including the wrongful acts that give rise to the claims, the dates, times and places of the alleged acts, and the individuals who committed each alleged wrongful act.

A review of the amended complaint reveals that it fails to comply with the January Order. Plaintiff's amended complaint again sets forth only conclusory and unsubstantiated allegations of constitutional violations at both Great Meadow Correctional Facility and Auburn Correctional Facility. Dkt. No. 6 at ¶¶ 4-5. Moreover, Plaintiff names eighteen Defendants in the caption of his amended complaint, but does not name any of them in the body of his amended complaint.

In light of the foregoing and for the reasons set forth in the January Order, the Court finds that Plaintiff's amended complaint fails to state a claim against the named defendants upon which relief may be granted. The Court hereby dismisses this action.

WHEREFORE, it is hereby

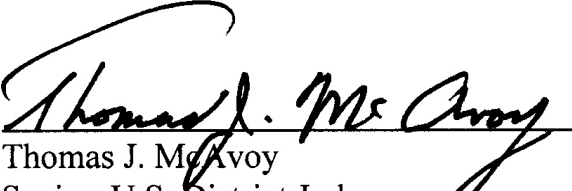
ORDERED, that this action is **DISMISSED**, and it is further

ORDERED, that Plaintiff's renewed application to proceed *in forma pauperis* (Dkt. No. 7) is **denied** as moot, and it is further

ORDERED, that the Clerk serve a copy of this Decision and Order on Plaintiff.

IT IS SO ORDERED.

Dated: February 1, 2007


Thomas J. McAvoy
Senior, U.S. District Judge